

**Notice of Allowability**

Application No.

09/858,163

Examiner

Kimberly D. Nguyen

Applicant(s)

EHRHART, MICHAEL

Art Unit

2876

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--*

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to communication filed November 10, 2005.

2.  The allowed claim(s) is/are 11-26, 33-44 and 46-52.

3.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)  All    b)  Some\*    c)  None    of the:

1.  Certified copies of the priority documents have been received.

2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.

(a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached  
1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.

(b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of  
Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1.  Notice of References Cited (PTO-892)

2.  Notice of Draftsperson's Patent Drawing Review (PTO-948)

3.  Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date 11/10/05

4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material

5.  Notice of Informal Patent Application (PTO-152)

6.  Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.

7.  Examiner's Amendment/Comment

8.  Examiner's Statement of Reasons for Allowance

9.  Other \_\_\_\_\_.

## **DETAILED ACTION**

### *Amendment*

1. Acknowledgment is made of Request for Continued Examination and Amendment filed November 10, 2005.

## **EXAMINER'S AMENDMENT**

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. George Blasiak on December 22, 2005.

### **Amendment to the Claims:**

Cancel claims 30-32 and 53 without prejudice.

### *Allowable Subject Matter*

3. Claims 11-26, 33-44, and 46-52 are allowed.
4. The following is an examiner's statement of reasons for allowance:

Re claims 11-16 and 33-35: Wilz, Sr. et al. (US 6,283,375) teaches an automatically-activated code symbol reading system comprising a bar code symbol reading mechanism contained within a hand-supportable housing having a manually-actuatable data transmission switch.

Tymes et al. (US 5,668,803) teaches a packet data transmission system is used to link a number of remote hand-held data gathering units such as bar code readers to a central computer. Data packets are sent from the remote units by an RF link to intermediate base stations, then sent by the base stations to the central computer by a serial link.

Keys et al. (US 6,758,403) teaches a data editing system for configuring a data collection device to edit decoded-out message data according to a data editing routine specified by a user programmer. Host processor assembly operating in accordance with a program builder program aids a user-programmer in building a set of data editing instructions which are transmitted to device for interpretation and execution by data collection device operating in accordance with message data editing program.

Schmid et al. (US 6,024,284) teaches a wireless scanning system for a bar code scanner and a personal computer, wherein the bar code scanner sends raw bar code data via a wireless connection to the personal computer.

However, Wilz, Sr., Tymes, Keys and Schmid, taken alone or in combination thereof, fails to specifically teach the control circuit is further configured to operate in a mode in which the control circuit sends the image to a separately housed spaced apart device together with a set of executable instructions executable by the spaced apart device, the executable instructions instructing the separately housed spaced apart device to (a) decode a bar code symbol represented in the image to generate a decoded-out message; and (b) transmit back to the portable device the decoded-out message.

Re claims 17-26, 36-44, and 46-52: Bunte et al. (US 5,821,523) teaches an image capture system/reader, which is capable of capturing photo images and coded images, processing the

images, parsing the images, transmitting the images, and communicating with a remote location via a wireless link. However, Bunte et al and the prior art of record fail to specifically teach or fairly suggest the step of transmitting the image file including the decoded-out message data to the external spaced apart device so that both of image data of the image file referred to in step (a) and the decoded out message data referred to in step (b) are transferred to the external spaced apart device when the image file is transmitted from the portable device to the external spaced apart device.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly D. Nguyen whose telephone number is 571-272-2402. The examiner can normally be reached on Monday-Friday 7:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on 571-272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
KDN  
December 22, 2005

  
MICHAEL G. LEE  
SUPERVISORY PATENT EXAMINER  
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